

REMARKS

By this amendment, claims 51, 52, 56, 57, 61, and 62 have been amended. The amendment is made to even more clearly recite the claimed invention, do not add new matter, and are fully supported by the specification. Reconsideration of the rejected claims in view of the above amendments and the following remarks is respectfully requested.

Interview Summary

Applicants would like to thank Examiner Nguyen for his courtesy in conducting a telephone interview with Applicants' representative, Azza Jayaprakash, on May 29, 2007. In the telephone interview, Examiner Nguyen discussed the double patenting rejection in the outstanding Office Action. During the interview, Applicants' representative noted that "changing" is not recited in the claims of the present application, while claims 53-67 of U.S. Application No. 10/739,059 (cited against claims 51-65 of the present application) recites "changing." Applicants' representative also noted that "notifying" is recited in the claims of the present application, while the claims of the '059 application do not recite "notifying." Lastly, claims 1-4 of U.S. Patent No. 6,710,789, which were also cited against claims 51-65 of the present application, do not recite "notifying." Accordingly, Examiner Nguyen agreed that there appear to be some significant distinctions between the claims of the cited publications and the present application.

Double Patenting Rejection

The Office Action contains a provisional rejection of claims 51-65 for non-statutory double patenting over claims 53-67 of co-pending Application No. 10/739,059 (hereinafter the

'059 application). The Office Action also rejects claims 51-65 for non-statutory double patenting over claims 1-4 of U.S. Patent No. 6,710,789 (which is the parent of the present application, hereinafter the '789 patent). The Examiner asserts that the subject matter of the present application is fully disclosed in co-pending Application No. 10/696,710 and U.S. Patent No. 6,710,789, and would be covered by any patent granted on that co-pending application or patent.

Initially, Applicants submit that the double patenting rejection over the '059 application is premature, as the application has not issued and the scope of the claims may change during prosecution. Furthermore, as noted during the above-noted interview, Applicants assert that there are several distinctions between the present claims and those in the cited publications. Applicants note that "notifying" recited in claim 51 of the present application is not recited in the claims of the '059 application. Furthermore, the "changing" recited in the '059 application is not recited in the present application. Thus, the present claims are not obvious over those recited in the '059 application because it would not have been obvious to one skilled in the art to add the "notifying" recited in claim 51 of the present application to the '059 application or to delete the changing feature recited in the '059 application.

Similarly, Applicants note that claims 1-4 of the '789 patent do not recite "notifying." For these reasons, Applicants submit that the present claims and those of the '059 application and of the '789 patent are patentably distinct. Accordingly, Applicants respectfully request withdrawal of the outstanding rejection.

Claim Rejections under 35 U.S.C. § 101

The Office Action rejects claims 51-60 under 35 U.S.C. § 101, alleging that the claimed invention is directed to non-statutory subject matter. The Examiner asserts that claims 51-60 are not tangible. Specifically, the Examiner asserts that the present claims do not include hardware components. Accordingly, the Examiner has concluded that the claims are only directed to software components, and fall outside the statutory categories of invention.

In response, Applicants note that claim 51 (and its dependent claims) recite “receiving a request from one of the processing units” and “notifying the one processing units whether authorization is given,” which both constitute physical transformations involving the predefined display area and the processing unit. Because the claimed invention has a functional result and performs a physical transformation, it should be considered statutory subject matter under MPEP § 2106(IV)(C)(2).

As for the rejection of claim 56 (and its dependent claims), Applicants note that these claims are directed to a hardware component or machine. Specifically, the claims recite a “device that controls a display”, which is considered an apparatus. For these reasons, Applicants submit that the claims are directed to statutory categories of invention, and respectfully request withdrawal of the rejections under 35 U.S.C. § 101.

Claim Rejection – 35 U.S.C. § 103(a)

The Office Action rejects claims 51-65 under 35 U.S.C. § 103(a) as being unpatentable under Nason et al. (U.S. Patent No. 6,639,613, hereinafter “NASON”) in view of Lynch-Freshner et al. (U.S. Patent No. 5,668,997, hereinafter “LYNCH”).

Initially, Applicants note that in the outstanding Office Action dated January 30, 2007 for co-pending U.S. Application No. 10/739,059 (hereinafter '059 application), Examiner Nguyen has essentially acknowledged that the present claims are not anticipated by NASON and LYNCH. On page 5 of the outstanding Office Action for the '059 application, the Examiner indicated that the prior art did not disclose the claim element reciting "wherein, when a plurality of requests to acquire the same one predefined display areas from a plurality of processing units are received, the authorization is provide to a single processing unit that made one of the requests to acquire the same one of the predefined display areas". More specifically, Examiner Nguyen indicated:

The closest prior arts Nason (US Patent No. 6,639,613) and Lynch-Freshner (US Patent No. 5,668,997) discloses a convention for client may be notified by the window server in response to certain events occurring with respect to particular windows, such as a configuration change; *either singularly or in combination fail to anticipate or render the above limitations obvious.* (emphasis added) [page 5 of the outstanding Office Action dated January 30, 2007 for co-pending U.S. Application No. 10/739,059]

At least, because the aforementioned claim element is recited in the claims of the present application, Applicants submit that the claims of the present application are not rendered obvious by any proper combination of NASON and LYNCH. For this reason, Applicants submit that the cited publications do not disclose all of the elements of the claimed invention. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection, and an indication of the allowability of the pending claims.

SUMMARY AND CONCLUSION


In view of the fact that none of the art of record, whether considered alone or in combination, discloses or suggests the present invention as now defined by the pending claims, and in further view of the above amendments and remarks, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

The undersigned hereby authorizes the U.S. Patent and Trademark Office to charge any fees necessary to maintain the pendency of the above-identified application, including any basic filing fees, application size fees, search fees, examination fees, extension of time fees, and claim fees, to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

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